



Patent
USSN 09/602,374
Atty Docket 20107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Klaus Vammen, et al.) Group Art Unit:
For: METHOD AND APPARATUS FOR) Unknown
INVESTIGATING MATERIAL PROPERTIES) Examiner:
OF BONE USING ULTRASOUND) Unknown
Serial No. 09/602,374)
Filed: June 23, 2000)

DECLARATION OF SANDRA-VAN TAKLA

I, Sandra-Van Takla , hereby declare as follows:

1. I am secretary to Thomas R. Vigil, attorney for applicants in the subject application.
2. On June 22, 2000 I took the subject application in an Express Mail envelope to the Barrington Post Office for mailing on my lunch hour. In view of the many cars parked in the Post Office parking lot, I did not want to wait in line. So, I deposited the envelope in the "Express Mail" mailing box located outside the Post Office knowing that it was the practice of the employees of the Barrington Post Office to retrieve all envelopes in the Express Mail box by the hour of 5:00 p.m., process same and then return in the mail to us a copy of the U.S. Express Mail receipt.
3. I mailed the U.S. Express Mail envelope on my lunch hour between the hours of 12:30 p.m. and 1:30 p.m. knowing that June 22, 2000 was the critical date and last day for filing the subject application to claim priority from an International Application, namely PCT Application No. PCT/DK 98/00574.
4. When we received the postcard back from the Office with the Serial Number and filing date stamped thereon, we noticed the subject application had been given a filing date of June 23, 2000 and not June 22, 2000, the day I filed the application

by U.S. Express Mail.

5. Immediately, we searched in the file for the U.S. Express Mail receipt from the Barrington Post Office but could not find same.

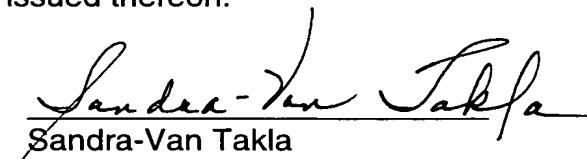
5. I immediately contacted the Barrington Post Office and talked to a Barrington Post Office employee, Mr. Dennis Carr, who checked No. EL 468139627 in their computer system and informed me that this Express Mail envelope had not been processed by the Barrington Post Office. Instead, a search of the number EL 468139627 showed that the Express Mail envelope was processed in the early afternoon of June 23, 2000 at the O'Hare Post Office Facility and that is probably why we never received the receipt.

7. The Barrington Post Office employee, Mr. Carr, apologized to me for this error on their part and advised he would be willing to execute a Declaration as to these facts.

8. Accordingly, I obtained such a Declaration from Mr. Carr and attached to Mr. Vigil's Petition is the Declaration of the Barrington Post Office employee, Dennis Carr.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: September 7, 2000.



Sandra-Van Takla